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09/705,694	11/06/2000	Joseph M. Cannon	Cannon 110-100	7842

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EXAMINER

SOBUTKA, PHILIP

ART UNIT PAPER NUMBER

2684

DATE MAILED: 07/14/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/705,694

Applicant(s)

CANNON ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 19-26, 29, 35-44 and 58-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-7, 19-26, 29, 35-44, 58-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 103**

1. Claims 1,2,4,6,9-11,14-16,20,22,25,26,35,36,38,40,43,44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei et al (US 5,732,349) in view of Moon et al (US 6,085,098).

Consider claims 1,2,16,36. Sanpei teaches a system comprising: a plurality of base stations at specific locations (Sanpei see especially fig 1) which transmit information specific to the locations (Sanpei see especially col 4, lines 10-15); a transceiver in a portable device (Sanpei see especially fig 5) controlled by a processor (Sanpei see especially fig 3, item 21); wherein when the portable device comes into range of one of the plurality of base stations the device receives the radio signal from one of the plurality of base stations, and based on the information updates information stored in the memory of the device (Sanpei see especially col 5, lines 50-60). Sanpei lacks a teaching of the portable device automatically establishing communication and updating the information. Moon et al teaches a portable device that automatically updates information, namely its calendar, on the basis of location (Moon col 7, lines 30-35). It would have been obvious to one of ordinary skill in the art to modify Sanpei to automatically update the calendar in order to allow the information in the portable to be updated without user intervention.

As to claims 4,20, 38, note that Moon teaches that the updated information is a calendar.

As to claim 35, the system of Sanpei would perform the claimed steps.

As to claim 15, note that Sanpei's device includes a processor, memory and receiver (Sanpei see especially fig 3).

As to claim 6,22,40, note that Sanpei teaches the signal including time zone information (Sanpei see especially col 7, lines 29-44).

As to claim 9, note that the information includes a telephone country code (Sanpei see especially col 5, lines 50-60).

As to claims 10-11,25-26,43-44, note that Sanpei teaches that the transceiver is set to predefined frequencies based on the country code (Sanpei see especially col 7, lines 25-30).

Consider claim 14. Sanpei in view of Moon teaches everything claimed except for the device being Bluetooth™ compliant. Official Notice is taken that Bluetooth™ is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Moon to include compliance with Bluetooth™ in order to ensure compatibility with a standard that is growing in popularity.

2. Claims 5, 21,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Moon and in view of Konno (US 6,282,431).

Sanpei in view of Moon teaches everything claimed including the update signal indicating time zone (Sanpei see especially col 7, lines 29-44). Sanpei in view of Moon lacks a teaching of the device including a clock. Konno teaches a portable device that updates for the time zone based on location including a clock (Konno see especially fig 1, item 5, col 3, line 52 – col 4, line 11). It would have been obvious to one of ordinary

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skill in the art to modify Sanpei in view of Moon to include a clock in order to provide a local time source.

3. Claims 3,7,17-19,23,37,41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Moon and in view of Tomiyori (US 5,305,372).

Consider claims 3,7,19,23,37,41. Sanpei in view of Moon teaches everything claimed except for the information that is updated based on location including speed dial numbering. Tomiyori teaches a mobile that updates speed dialing based on the mobile's location (Tomiyori see especially col 3, lines 42- col 4, line 47). Note that the updating includes the location area code (Tomiyori see especially col 3, lines 41-57). Tomiyori teaches that this allows the speed dial numbers to be used with the proper international access codes automatically appended. It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Moon as taught by Tomiyori to update the speed dialing based on location in order to ensure that the speed dialed number has the proper international access codes automatically appended.

Consider claims 17,18. Sanpei in view of Moon lacks a teaching of presenting an indication of the country update to the user, the device only updating information upon user input. Tomiyori also teaches presenting the country update to the user, and only updating upon user input (Tomiyori, col 3, lines 42-60). It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Moon to present the update to the user for approve before commencing in case the user did not wish to alter the unit for use in the new location as taught by Tomiyori.

4. Claims 8,24,42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Moon and in view of Nakamura (US 6,201,963).

Sanpei in view of Moon teaches everything claimed except for the information that is updated based on location including a date. Nakamura teaches a portable device that updates its date on the basis of location (Nakamura col 4, lines 30-50). It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Moon to also update the date in order to ensure that the user always had the current date.

5. Claims 12,13,27,28,30,31,34,46,49-50,53,54,57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Moon and in view of Siddiqui et al (US 6,292,666).

Consider claims 12,27, Sanpei in view of Moon teach everything claimed except for the device including a global positioning satellite (GPS) receiver, wherein the country is determined using the position determined by the GPS receiver. Siddiqui teaches a mobile equipped with a GPS receiver that determines the country based on the position determined by the GPS receiver (Siddiqui see especially fig 6). It would have been obvious to one of ordinary skill in the art to equip the device of Sanpei in view of Moon with the GPS receiver used to determine the country code in order to increase the accuracy of the position determination using the highly accurate GPS system.

As to claim 13,28,54 note that Sanpei teaches a look up table (Sanpei see especially col 5, lines 35-60).

As to claim 30,31,46,57 the device of Sanpei in view of Moon and in view of Siddiqui as modified above would perform the claimed steps.

As to claims 40,50, note that the information updated by Sanpei includes time zones (Sanpei see especially col 7, lines 29-44).

As to claim 53, note that the information includes a telephone country code (Sanpei see especially col 5, lines 50-60).

6. Claims 34,49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Moon and in view of Siddiqui and in view of Konno (US 6,282,431).

Sanpei in view of Moon and in view of Siddiqui teaches everything claimed including the update signal indicating time zone (Sanpei see especially col 7, lines 29-44). Sanpei lacks a teaching of the device including a clock. Konno teaches a portable device that updates for the time zone based on location including a clock (Konno see especially fig 1, item 5, col 3, line 52 – col 4, line 11). It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Moon and in view of Siddiqui to include a clock in order to provide a local time source.

7. Claims 32,47,51, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Moon and in view of Siddiqui as applied above and in view of Tomiyori (US 5,305,372).

Sanpei in view of Moon and in view of Siddiqui teaches everything claimed except for the information that is updated based on location including speed dial numbering. Tomiyori teaches a mobile that updates speed dialing based on the mobile's location (Tomiyori see especially col 3, lines 42- col 4, line 47). Note that the

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updating includes the location area code (Tomiyori see especially col 3, lines 41-57).

Tomiyori teaches that this allows the speed dial numbers to be used with the proper international access codes automatically appended. It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Moon and in view of Siddiqui as taught by Tomiyori to update the speed dialing based on location in order to ensure that the speed dialed number has the proper international access codes automatically appended.

8. Claims 33,48, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanpei in view of Moon and in view of Siddiqui and in view of Moon et al (US 6,085,098).

Sanpei in view of Moon and in view of Siddiqui teaches everything claimed except for the information that is updated based on location including a calendar. Moon et al teaches a portable device that updates its calendar on the basis of location (Moon col 7, lines 30-35). It would have been obvious to one of ordinary skill in the art to modify Sanpei in view of Moon and in view of Siddiqui to also update the calendar in order to ensure that the user was aware of the local holidays and could plan accordingly.

### **Response to Arguments**

9. As noted in the previous telephone interview summary, the limitation of the automatic update being done without any determination of whether the update was needed was contrary to the cited secondary reference. While a previously cited tertiary



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reference was used to supply this teaching, since this is a different rejection than previously presented this action this action is not being made final.

10. Applicant's arguments with respect to claims 1-11,14-7,19-26,29,35-44,58-65 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

  
NAY MAUNG  
**SUPERVISORY PATENT EXAMINER**

Pjs  
July 7, 2004